

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

NOV 25 2019

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRONE DEAN WELCH,

Defendant.

CR 13-112-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Tyrone Dean Welch (Welch) has been accused of violating the conditions of his supervised release. Welch admitted all of the alleged violations. Welch's supervised release should be revoked. Welch should be placed in custody for 5 months, with 28 months of supervised release to follow. Welch should serve the first 60 days of supervised release in an inpatient substance abuse treatment program at Connections Corrections.

II. Status

Welch pleaded guilty on February 10, 2014, to one count of Involuntary Manslaughter and two counts of Assault Resulting in Serious Bodily Injury. (Doc. 19). The Court sentenced Welch to 46 months of custody, followed by 3

years of supervised release. (Doc. 23). Welch's current term of supervised release began on May 3, 2019. (Doc. 42 at 2).

Petition

The United States Probation Office filed a Petition on October 25, 2019, 2019, requesting that the Court revoke Welch's supervised release. (Doc. 42). The Petition alleged that Welch violated the conditions of his supervised release: 1) by failing to report for substance abuse testing; 2) by consuming alcohol; 3) by committing another crime; 4) by failing to report for substance abuse treatment; and 5) by using methamphetamine. (Doc. 42).

Initial Appearance

Welch appeared before the undersigned for his initial appearance on November 25, 2019. Welch was represented by counsel. Welch stated that he had read the petition and that he understood the allegations. Welch waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation Hearing

The Court conducted a revocation hearing on November 25, 2019. Welch admitted that he had violated the conditions of his supervised release: 1) by failing to report for substance abuse testing; 2) by consuming alcohol; 3) by committing

another crime; 4) by failing to report for substance abuse treatment; and 5) by using methamphetamine. The violations are serious and warrant revocation of Welch's supervised release.

Welch's violations are Grade C violations. Welch's criminal history category is I. Welch's underlying offenses are Class C and Class D felonies. Welch could be incarcerated for up to 24 months. Welch could be ordered to remain on supervised release for up to 33 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Welch's supervised release should be revoked. Welch should be incarcerated for 5 months, with 28 months of supervised release to follow. Welch should serve the first 60 days of supervised release in an inpatient substance abuse treatment program at Connections Corrections. The supervised release conditions imposed previously should be continued. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Welch that the above sentence would be recommended to Judge Morris. The Court also informed Welch of his right to object to these

Findings and Recommendations within 14 days of their issuance. The Court explained to Welch that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS:**

That Tyrone Dean Welch has violated the conditions of his supervised release: by failing to report for substance abuse testing; by consuming alcohol; by committing another crime; by failing to report for substance abuse treatment; and by using methamphetamine.

The Court **RECOMMENDS:**

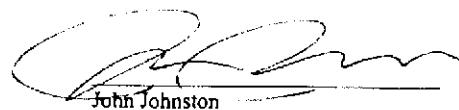
That the District Court revoke Welch's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 5 months, with 28 months of supervised release to follow. Welch should serve the first 60 days of supervised release in an inpatient substance abuse treatment program at Connections Corrections.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept,

reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 25th day of November, 2019.



John Johnston
United States Magistrate Judge